

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
January 19, 2014

Closed Session: yes

Call to Order: Meeting was called to order at: 9:15 a.m.

Opening Ceremony: Julie Shananaquet

Council Present: Legislative Leader Regina Gasco Bentley, Treasurer Marcella Reyes, Secretary Julia Shananaquet, Councilor Bill A. Denemy, Councilor John Keshick III, Councilor Beatrice A. Law

Absent: Councilor Winnay Wemigwase, Councilor Michael Naganashe, Councilor Aaron Otto

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow

Executive Officials and Staff Present: Tribal Chairman Fred Kiogima, Vice-Chair Deb DeLeon

Public: Andrew Stich

Invited Guests: via Telephone Conference: Tim Kincaid of Fredericks and Peebles , Jeff Lamb and Melissa Robertson of Sovereign Finance, and David Wolf, General Manager and Roger Borton, Finance Director of Odawa Casino Resort.

Motion made by Councilor Bill A. Denemy and supported by Councilor Law to approve the agenda as presented.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Wemigwase, Councilor Naganashe, Councilor Otto)

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Denemy to approve the minutes of January 5, 2014 as presented.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Wemigwase, Councilor Naganashe, Councilor Otto)

Motion carried.

9:21 a.m. Elder comments: No comments.

1 Motion made by Secretary Shananaquet and supported by Councilor Keshick to
2 acknowledge receipt of the written Executive oversight report for December
3 2013.

4 Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Wemigwase,
5 Councilor Naganashe, Councilor Otto
6 Motion carried.

7
8 9:36 a.m. Councilor Wemigwase arrived.

9
10 10:00 a.m. Councilor Otto and Councilor Naganashe arrived.

11
12 Motion made by Secretary Shananaquet and supported by Treasurer Reyes to
13 accept Legislative Leader Gasco Bentley verbal report for January 19, 2014.

14 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

15 Motion carried.

16
17 Secretary Report

18 The following Tribal Council approved documents were delivered to the
19 Executive:

- 20
21 - Tribal Resolution 120813-01 Funding for Traditional Burial Grounds Board
22 in the Amount of \$40,000 for FY 2014 to come from prior period funds
23 (Delivered to Executive Office on 01/06/14, due back on 02/05/14 if not
24 sooner or if expressly vetoed).
25
26 - Waganakising Odawak Statute – Tribal Treasurer Responsibilities
27 (Delivered to Executive Office on 01/06/14, due back on 02/05/14 if not
28 sooner or if expressly vetoed).

29
30 There are no Vetoed Documents to report.

31
32 There are no Phone Polls to report.

33
34 Motion made by Councilor Law and supported by Councilor Wemigwase to
35 accept Secretary Shananaquet's verbal report for January 19, 2014.

36 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

37 Motion carried.

38
39 Motion made by Councilor Wemigwase and supported by Councilor Naganashe
40 to accept Treasurer Reyes verbal report for January 19, 2014.

41 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

42 Motion carried.

43
44 10:07 a.m. Recess called.

45 10:20 a.m. Meeting reconvened.

46
47 Tribal Council Member Reports: No Individual Reports and no travel reports.

1
2 Gaming Authority Committee – FYI - Meeting on January 27, 2014
3

4 Motion made by Councilor Wemigwase and supported by Councilor Law to
5 accept the verbal report of the Agricultural Assessment Work Group as
6 presented by Committee Chairperson, Councilor Keshick for January 19, 2014.

7 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

8 Motion carried.
9

10 Motion made by Secretary Shananaquet and supported by Treasurer Reyes to
11 accept the verbal report of the Land and Reservation Committee as presented by
12 Committee Chairperson, Legislative Leader Gasco Bentley for January 19, 2014.

13 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

14 Motion carried.
15

16 Motion made by Councilor Law and supported by Councilor Keshick to accept
17 the verbal report of the Legal and Legislative Committee as presented by
18 Committee Chairperson, Legislative Leader Gasco Bentley for January 19, 2014.

19 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

20 Motion carried.
21

22 Motion made by Secretary Shananaquet and supported by Treasurer Reyes to
23 amend the agenda to include Tribal Resolution: Recession and Repeal of
24 outdated resolutions for the year 2006.

25 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

26 Motion carried.
27

28 No Ethics Committee report.
29

30 Motion made by Secretary Shananaquet and supported by Councilor
31 Wemigwase to accept Treasury Director Garrow's verbal and written report for
32 January 19, 2014.

33 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

34 Motion carried.
35

36 Motion made by Councilor Law and supported by Treasurer Reyes to accept
37 Legislative Services Attorney Budnick verbal and written report for January 19,
38 2014.

39 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

40 Motion carried.
41

42 Motion made by Secretary Shananaquet and supported by Councilor
43 Wemigwase to accept Legislative Office Manager LaCount's verbal and written
44 report for January 19, 2014.

45 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

46 Motion carried.
47

1 11:19 a.m. Public Comment opened:

- 2
- 3 - Andrew Stich commented on funds used for land purchase vs health
 - 4 service shortfalls. Questioned money spent on Victories, Waterpark, and
 - 5 Appleyard.
- 6

7 11:24 a.m. Public Comment closed.

8 11:35 a.m. Meeting Resumes

9

10 11:35 a.m. – 12:09 p.m. 2013 Presentation by Merrill Lynch Investment Account

11 Performance presented by Barbara Bencini, Senior Vice President of Boyd,

12 Bencini, Gibbons & Associates.

13

14 Motion made by Councilor Law and supported by Treasurer Reyes to

15 acknowledge receipt of the 2013 Presentation by Merrill Lynch Investment

16 Account Performance presented by Barbara Bencini, Senior Vice President of

17 Boyd, Bencini, Gibbons & Associates.

18 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

19 Motion carried.

20

21 12:10 p.m. Lunch recess called.

22 1:30 p.m. Meeting resumed.

23

24 1:30 p.m. Motion made by Secretary Shananaquet and supported by Councilor

25 Keshick to go into closed session for legal.

26 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Wemigwase)

27 Motion carried.

28

29 1:39 p.m. Councilor Wemigwase arrived.

30

31 Telephone Conference Participants: Tim Kincaid of Fredericks and Peebles, Jeff

32 Lamb and Melissa Robertson of Sovereign Finance, and David Wolf, General

33 Manager and Roger Borton, Finance Director of Odawa Casino Resort.

34

35 2:06 p.m. Motion made by Secretary Shananaquet and supported by Councilor

36 Law to return to open session.

37 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

38 Motion carried.

39

40 Motion made by Secretary Shananaquet and supported by Councilor Law to

41 approve Tribal Resolution, Supplemental Funding in the Amount of \$650,000 for

42 Closing Costs for the Loan Financing of Odawa Casino Resort.

43 Motion withdrawn.

44

45 Motion made by Councilor Law and supported by Councilor Naganashe to close

46 on the Odawa Casino Resort loan with a delayed draw of funds, by having the

47 Trustee send the redemption notice to the bondholders upon receipt of the

1 declination letter from the National Indian Gaming Commission (NIGC) and wait
2 until the end of the 30-day notice period to take the funds from Wells Fargo and
3 pay off the bondholders.

4 Vote: 7 - Yes, 2 – No (Councilor Otto, Councilor Keshick), 0 - Abstained, 0 –
5 Absent

6 Motion carried.

7
8 Motion made by Secretary Shananaquet and supported by Councilor Law to
9 adopt Tribal Resolution, Supplemental Funding in the Amount of \$650,000 for
10 Closing Costs for the Loan Financing of Odawa Casino Resort.

11 Roll call: Councilor Denemy-yes, Councilor Keshick-no, Councilor Law-yes,
12 Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
13 Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco
14 Bentley-yes

15 Motion carried.

16
17 Motion made by Secretary Shananaquet and supported by Councilor
18 Wemigwase to approve Certified Motion # 011914-01 Request for Funding from
19 the United States Department of Justice, Office on Violence Against Women
20 (OVW), Fiscal Year 2014 Justice for Families Program, Little Traverse Bay
21 Bands of Odawa Indians Justice for Families Program.

22 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

23 Motion carried.

24
25 Motion made by Secretary Shananaquet and supported by Councilor Law to
26 approve Certified Motion # 011914-02 Request for Funding from the Frey
27 Foundation Repatriation, Archives and Records Department Cultural Collections
28 Expansion and Improvement.

29 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

30 Motion carried.

31
32 Motion made by Councilor Wemigwase and supported by Secretary
33 Shananaquet to approve Certified Motion # 011914-03 Request for Funding from
34 the Rotary Club of Petoskey's Rotary Park Grant Repatriation, Archives and
35 Records Department Cultural Collections Expansion and Improvement.

36 Vote: 9- Yes, 0 - No, 0 - Abstained, 0 – Absent

37 Motion carried.

38
39 Motion made by Councilor Wemigwase and supported by Councilor Naganashe
40 to pass the amendment to 2012-018, Amendment to Waganakising Odawak
41 Statute 2012-018 Succession Plan for Officers of Tribal Council.

42 Roll call vote: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
43 Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
44 Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco
45 Bentley-yes

46 Motion carried.

1 Motion made by Councilor Law and supported by Councilor Wemigwase to pass
2 the Contracts Statute.

3 Roll call vote: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
4 Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
5 Treasurer Reyes –yes, Secretary Shananaquet-yes, Legislative Leader Gasco
6 Bentley-yes

7 Motion carried.

9 Motion made by Councilor Wemigwase and supported by Treasurer Reyes to
10 authorize and approve the Legislative Leader and Tribal Chair to sign the letters
11 addressed to Assistant Secretary of Indian Affairs regarding FY 2013 Operating
12 Plan for Public Safety and Justice Programs and FY 2015 Budget Planning.

13 Vote: 9- Yes, 0 - No, 0 - Abstained, 0 – Absent

14 Motion carried.

16 Motion made by Councilor Law and supported by Councilor Naganashe to
17 approve Certified Motion 011914-04 Certificate of Indian Tribal Entity and Limited
18 Waiver of Sovereign Immunity for the Wells Fargo Deposit Accounts and
19 Treasury Management Services.

20 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

21 Motion carried.

23 Motion made by Secretary Shananaquet and supported by Treasurer Reyes to
24 request General Counsel Bransky to submit application to the United States
25 Secretary of the Interior to have the Gill Road Property placed into trust.

26 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

27 Motion carried.

29 Motion made by Councilor Law and supported by Councilor Naganashe to
30 remove the following parcels from consideration by the Tribe: #52, #61, #63,
31 #64, #65, #68, #69, #70, #71, #72, #73, #74.

32 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

33 Motion carried.

35 Motion made by Councilor Keshick and supported by Treasurer Reyes to post
36 the Donated Land and Acceptance Statute to the Legislative Calendar as
37 sponsored by Legislative Leader Gasco Bentley.

38 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

39 Motion carried.

41 Motion made by Councilor Keshick and supported by Councilor Naganashe to
42 approve Tribal Resolution: Rescission and Repeal of Outdated Resolutions for
43 the year of 2006.

44 Roll call vote: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
45 Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
46 Treasurer Reyes–yes, Secretary Shananaquet-yes, Legislative Leader Gasco
47 Bentley-yes

1 Motion carried.

2
3 Motion made by Councilor Law and supported by Councilor Keshick to approve
4 Tribal Resolution: Rescission and Repeal of Resolutions for Grant Funding for
5 the year of 2006.

6 Roll call vote: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
7 Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
8 Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco
9 Bentley-yes

10 Motion carried.

11
12 Motion made by Councilor Otto and supported by Councilor Denemy to authorize
13 and approve the Legislative Leader and Tribal Chair submit a letter to Mackinaw
14 Village President Hingston reiterating the Tribe's request for approval of class III
15 gaming within Mackinaw Village.

16 Vote: 8 - Yes, 1 – No (Secretary Shananaquet), 0 - Abstained, 0 – Absent

17 Motion carried.

18
19 Motion made by Councilor Law and supported by Councilor Wemigwase to
20 acknowledge receipt of the 2013 Waganakising Odawa Development, Inc.
21 Corporate Charter 4th quarter report.

22
23 2:50 p.m. Public comment opened: no comments.

24 2:50 p.m. Public closed.

25
26 2:51 p.m. Motion made by Councilor Keshick and supported by Councilor
27 Denemy to adjourn.

28 Vote: 8 - Yes, 1- No (Councilor Otto), 0 - Abstained, 0 – Absent

29 Motion carried.

30
31
32 Please contact the Legislative Office at 231-242-1403, 231-242-1404 or 231-242-
33 1406 for additional updates and clarifications of these minutes as presented.

34
35 These Minutes have been read and approved as written (or) corrected: (delete
36 either the word “written” or “corrected” as pertains to how the minutes were
37 approved.)

38
39
40
41 Julia A. Shananaquet, Tribal Council Secretary

Date